United Nations S/PV.3501

Security Council

Fiftieth Year

Provisional

3501st Meeting

Friday, 17 February 1995, 7 p.m.

New York

President:	Mr. Legwaila	(Botswana)
Members:	Argentina	Mr. Zawels
	China	Mr. He Yafei
	Czech Republic	Mr. Rovensky
	France	Mr. Thiebaud
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Suazo Fernandez
	Indonesia	Mr. Wibisono
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Sameen
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mr. Gnehm

Agenda

The situation in the Republic of Bosnia and Herzegovina

95-85144 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 7.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Republic of Bosnia and Herzegovina

The President: I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) took a place at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council is deeply concerned at the continued fighting around Bihac and deplores the serious humanitarian situation in the Bihac area. It reaffirms its support for the Special Representative of the Secretary-General and UNPROFOR.

"The Security Council recalls the statement of the President of the Security Council of 6 January 1995 (S/PRST/1995/1). It reiterates the importance it attaches to full compliance with the agreements between the Bosnian parties on a cease-fire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 December 1994 and 31 December 1994 respectively (S/1995/8). All involved must now make a concerted effort to consolidate what has been achieved so far to avoid the risk of a renewed outbreak of hostilities.

"The Security Council demands that all forces in the Bihac area cease fighting immediately and cooperate fully with UNPROFOR in achieving an effective cease-fire. The Security Council reiterates its condemnation of the continued violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

"The Security Council condemns the recent obstruction of humanitarian convoys destined for the Bihac area by the Croatian Serb and Abdic forces. It welcomes the fact that convoys are now getting through, and calls upon all parties and others concerned henceforth to facilitate the unhindered flow of humanitarian assistance and complete freedom of movement for UNPROFOR."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1995/8.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 7.30 p.m.

Security Council

Fiftieth Year

Provisional

3502nd Meeting

Wednesday, 22 February 1995, 10 a.m.

New York

President:	Mr. Legwaila	(Botswana)
Members:	Argentina	Mr. Zawels
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Rovensky
	France	Mr. Mérimée
	Germany	Mr. Henze
	Honduras	Mr. Martinez Blanco
	Indonesia	Mr. Wibisono
	Italy	Mr. Ferrarin
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mr. Inderfurth

Agenda

The situation concerning Rwanda

Report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 955 (1994) (S/1995/134)

95-85150 (E)

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

Report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 955 (1994) (S/1995/134)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 955 (1994), document S/1995/134.

Members of the Council also have before them document S/1995/148, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Bakuramutsa (Rwanda) (*interpretation from French*): My delegation thanks the Secretary-General for his report on the implementation of paragraph 5 of Security Council resolution 955 (1994). As members know, the establishment of an international tribunal was at the explicit request of the Rwandan Government, and in the interest of establishing justice and the rule of law, which had been lacking in our country since 1959.

The key points in the minds of the Government and the people of Rwanda included neither punishment nor vengeance, but rather justice: the establishment of the rule of law, in other words, the establishment of a basis for breaking the vicious circle of impunity that had prevailed in the country for over 35 years. Members will recall that the outcome of the Security Council's deliberations was not exactly what was expected and needed by the people of Rwanda and their Government.

I should like to recall here that one of the reasons that could have prompted my delegation to vote against that resolution — which we ourselves had requested — was the question of the location of the seat of the International Tribunal for Rwanda. The Tribunal should sit in Rwanda given that it is a tribunal for judging Rwandans. In fact, the people of Rwanda, like all peoples of the world, need to see justice done for their sons and daughters. The Germans, the French, the Jews and the other peoples of the world did, notably after the Second World War. We cannot see why this right should be denied the Rwandans, a people who wish to use justice as a foundation for national unity following the genocide of 1994, for reconstructing a country destroyed by injustice. But also, and more importantly, how will the survivors of the genocide and the butchers forgive if they do not see justice done?

For practical reasons, my delegation believes that shifting the seat of the Tribunal away from Rwanda will entail mobilizing immense resources to ensure that the guilty are there to be tried and for travel and subsistence costs for witnesses and plaintiffs. My delegation is afraid that the International Tribunal for Rwanda will make a very poor showing indeed, given that Rwanda has no resources and the Organization is always complaining about the lack of finance.

The Government of Rwanda has already decided to work with the International Tribunal and support it as it wishes to cooperate to the extent that cooperation is possible and to the extent that the interests of the Rwandan people are not put at risk. Within this framework of cooperation, my delegation, while preferring the seat of the Tribunal to be in Rwanda, is not opposed to its being located in a neighbouring country and close to Rwanda in order to minimize the effects I mentioned of its being outside the country.

My delegation takes this opportunity to thank Tanzania, which, in Arusha, will once again play a historic and symbolic role for Rwanda. My delegation shares the concern expressed by the Secretary-General in paragraph 42 of his report (S/1995/134) about the justice and fairness the International Tribunal needs. None the less, the fact that this argument has been used in favour of relocating the Tribunal outside Rwanda does not mean that my delegation agrees with it in any way. Our

Government has no less a concern for and a sense of justice and fairness than any one, witness that it was the Government of Rwanda that asked for the International Tribunal. My delegation would wish that other arguments could be found for relocating the seat.

I should like to conclude by thanking the Secretariat's Office of Legal Affairs, which regularly contacted my delegation about the International Tribunal. Given Rwanda's current situation, such contacts are necessary and facilitate cooperation. I should like to recall that the concern for justice in Rwanda shown by the Security Council implies that serious thought must be given to support for the Rwandan courts competent to supplement the work of the Tribunal.

The President: I shall now put draft resolution S/1995/148 to the vote.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 977 (1995).

There are no further speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 10.45 a.m.